

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,)	
)	
Plaintiff-Appellee,)	Docket No. 15-4131
)	
vs.)	
)	
GLENN MING YOUNG,)	
)	
Defendant-Appellant.)	

**MOTION FOR ENLARGEMENT OF
TIME TO FILE APPELLANT'S BRIEF**

NOW COMES, appellant Glenn Ming Young, by and through counsel, and hereby respectfully moves this court for an enlargement of time within which to file the Appellant's Brief in the above-styled referenced case for the following reasons:

Counsel for the defendant was appointed after a three-day jury trial, but before sentencing in the District Court. In the office file received from the Federal Public Defender's Office, which represented the defendant at trial, was what appeared to be a complete trial transcript, which was prepared in anticipation of a post-trial motion requesting that the jury verdict be set aside. An issue raised by the defendant in conversation with new counsel was the court's response to a jury inquiry made during deliberation concerning the interpretation of an instruction. Counsel found only a cursory reference to the court's response, which included the

hand-written inquiry and the court's response, in the trial minutes, but not in the transcript.

Counsel spoke with Zachary T. Lee, Assistant United States Attorney concerning entries into a joint appendix, and was advised there may be additional entries in the record that were not transcribed or included in the transcript received from the public defender's office.

The appellant's brief has been completed, but may need to be revised if there are additional relevant matters that were recorded but not transcribed. The government has requested that such transcript, if it can be located, be included in the joint appendix, and would be relevant to its arguments in the case. Counsel has confirmed with Bridgette Dickert, the court reporter, that there is some additional recording related to jury instruction, which has not been transcribed, but is available. An additional transcript order has been filed with this court and the district court.

Both the defendant and the government agree that an Enlargement of Time to file the Appellant's Brief, and the reply brief of the government to allow the relevant portion of the trial court proceedings to be transcribed. Such a delay would not prejudice either party.

WHEREFORE, the undersigned prays the Court allow a sixty day enlargement of time, up to and including August 31, 2015, to file appellant's brief

in the matter, and that the appropriate amount of time be allowed to the government to file its response brief.

This 1st day of July 2015.

Respectfully submitted,

/s/ Barry L. Proctor
Barry L. Proctor, Esq.
VA Bar #15676
117 West Main Street
Abingdon, VA 24210
Telephone - 276-628-1181
Facsimile - 276-628-4368
barrylproctor@gmail.com
Attorney for Appellant

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 1st day of July, 2015, I caused this Motion to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

Assistant United States Attorney
Zachary T. Lee
180 West Main Street, Suite B19
Abingdon, VA 24210
276-628-4161
USAVAW.ECFAbingdon@usdoj.gov